

REMARKS

[0003] Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein. The remarks and amendments should be entered under 37 C.F.R. §1.116 as they place the application in better form for appeal, or for resolution on the merits.

[0004] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-17 and 20-52 are presently pending. Claims amended herein are 1, 9, 16, 29, 34-44, and 46. Claims withdrawn or cancelled herein are 18, 19, and 53-57. New claims added herein are none.

Statement of Substance of Interview

[0005] Examiner Henning graciously spoke with me—the undersigned representative for the Applicant—on May 10, 2007. Applicant greatly appreciates his willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0006] During the interview, we discussed how the claims differed from the cited art, namely Cooper and Edwards. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0007] Examiner Henning was receptive to the proposals, and I understood him to indicate that the proposed clarifying claim amendments appeared to distinguish over the cited art of record. For example, Examiner Henning indicated that clarification regarding

highly compressed content pieces distinguished claim 1 over the cited art, namely Cooper. Additionally, he indicated that notification of pirated content distinguished claim 1 over the cited art, namely Edwards. However, Examiner Henning indicated that he would need to review the cited art more carefully and/or do another search, and requested that the proposed amendments be presented in writing.

[0008] Applicant herein amends the independent claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0009] If Examiner Henning's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with him. I encourage Examiner Henning to call me—the undersigned attorney for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0010] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Request for Withdrawal of Finality

[0011] In accordance with MPEP 706.07(d), Applicant submits that the final rejection is premature. Applicant formally asks that Examiner Henning reconsider finality on of the rejections in this Action. Applicant submits that he should withdraw finality because Examiner Henning failed to address specific claimed aspects that applicant has indicated as differing from the cited art.

Failure to address aspects of claims

[0012] Applicant submits that Examiner Henning failed to address specific claim language that the Applicant submits distinguishes the claims from the cited references. It is not that he disagreed about whether specific claim language distinguishes the claims from the cited references. Rather, it appears that Examiner Henning has not addressed whether “taking programmed action” distinguishes the claims from the cited references.

[0013] Examples of such specific claim language referenced by the Applicant, but never addressed by the Examiner, may be found at the following locations in Applicant’s prior response that is dated 12/01/2006:

- p. 20, lines 15-18 and 23-27.

[0014] This list is not intended to be exhaustive. Rather, it is intended to illustrate examples of distinguishing claim language discussed in the Applicant’s prior response, but not addressed by the Examiner in this Action and in its prior Action.

Claim Amendments and Additions

[0015] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 9, 16, 29, 34-44, and 46 herein.

Substantive Matters

Claim Rejections under § 112

[0016] Claims 1-17 and 20-52 are rejected under 35 U.S.C. § 112, 2nd ¶. In light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

Claim Rejections under §§ 102 and/or 103

[0017] 1-17 and 20-52 are rejected under 35 U.S.C. § 102 and/or § 103. In light of the amendments presented herein and the decisions/agreements reached during the above-discussed Examiner interview, Applicant submits that these rejections are moot.

[0018] Accordingly, Applicant respectfully requests that the § 102 and/or § 103 rejections be withdrawn and the case be passed along to issuance.

Dependent Claims


[0019] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Conclusion

[0020] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner Henning is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

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